

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

**ANTOINE EPPS and EDUARDO  
GONZALES, on Behalf of Themselves and  
on Behalf of All Others Similarly Situated,**

**Plaintiffs,**

**V.**

**GREAT WHITE PRESSURE  
CONTROL, LLC,**

**Defendant.**

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**CIVIL ACTION NO. 3:12-cv-00374**

## JURY TRIAL DEMANDED

**JOINT STIPULATION REGARDING NOTICE TO CLASS MEMBERS**

Plaintiffs Antoine Epps and Eduardo Gonzales (“Plaintiffs”), on behalf of themselves and on behalf of all others similarly situated, and Defendant Great White Pressure Control, LLC (“Defendant”) hereby file this Joint Stipulation Regarding Conditional Certification and Notice to Class Members and request Court approval of such stipulation by signing below in the space provided.

1. To preserve resources and in the interest of judicial economy, the Parties have reached an agreement that this case should be and, by this stipulation when signed by the Court, is conditionally certified as a collective action under the Fair Labor Standards Act, 29 U.S.C. § 216(b). The Parties have agreed that the class shall consist of, and that notice shall be sent to, all current and former employees of Defendant that fall within the following class definition below:

**All Current and Former hourly manual laborers of Great White Pressure Control LLC who were paid job bonuses in any work week during the time period of December 21, 2009 to January 19, 2013.**

2. The conditional class shall not include any employees of Archer Production & Completion Services LLC prior to that entity's merger with Great White Pressure Control LLC. The parties further stipulate that in the event it is later determined that an hourly manual laborer of Great White Pressure Control LLC was paid job bonuses that were not factored into the regular rate of pay after January 19, 2013, and that employee was not sent a Notice and Consent form, that employee will be sent a Notice and Consent form, will be given 60 days from the date of mailing in which to opt in, and the limitations period with respect to that employee will be tolled from the date that Notice was mailed to the putative class until the date that Notice is mailed to that employee.
3. The parties are not stipulating to conditional certification of claims that Plaintiffs were "paid straight time for certain hours worked in excess of forty (40) in a week," and in particular that employees were not paid overtime for time worked outside of the designated worksite. Defendant contends those claims are not subject to collective treatment. Plaintiff contends they are. No parties' rights to pursue or limit pursuit of such claims on a collective basis shall be prejudiced by this stipulation. Unless and until such claims are certified for collective treatment, the claims will not be litigated on a class or collective basis. At this time, the parties stipulate to conditional certification only of claims pursued by opt-in class members that job bonuses were not factored into the regular rate used to determine overtime payments.
4. The Parties stipulate that the Notice of Rights and Consent Form (attached hereto as Exhibits 1 and 2, respectively) are timely, informative and accurate. The

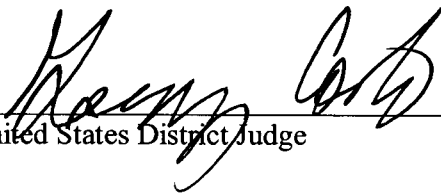
Parties agree to use such forms to inform the class members of their right to opt into this lawsuit. Nothing in the Notice of Rights and/or Consent Form shall be interpreted as limiting, waiving, or modifying the Parties' claims and/or defenses. Defendant specifically reserves the right to move to decertify this case at a later date.

5. The Parties stipulate that Galvin Kennedy of Kennedy Hodges, LLP shall serve as class counsel and that Antoine Epps and Eduardo Gonzales shall serve as the representatives for the class.
6. The Parties stipulate that within fourteen **days (14) days** of the Court approving this stipulation by signing below, the Defendant shall provide to Plaintiffs' counsel the names, dates of employment, current or last known home addresses, personal email addresses (if any), and telephone numbers (if any) in Defendant's personnel files and human resources information system database for all class members as defined above. Defendant shall provide such information in a computer-readable format, such as in a Microsoft Excel Spreadsheet ("class list").
7. The Parties stipulate that Plaintiffs' counsel provide a copy of the agreed Notice of Rights and Consent Forms via email (to the extent that Defendant has been able to produce email addresses for particular class members) and first class mail to all persons contained on the class list within **seven (7) days** of receiving the list from Defendants. The mailing shall also include a self-addressed, stamped envelope. Plaintiffs' counsel may hire a third party class action administration company to oversee the mailing of the notice and forms. All Consent Forms shall be returned

to Plaintiffs' counsel, who will be responsible for filing the consent forms with the Court.

8. It is further **ORDERED** that the class members shall have **sixty (60) days** from the date of the mailing of the Notice of Rights to file their Consent Form opting into this lawsuit as plaintiffs. The Notice of Rights shall contain the appropriate deadline for joining this lawsuit. Plaintiffs who file their consents after the deadline may join this case only by consent of all parties or by court order upon good cause shown.

SIGNED on December 3, 2013.

  
\_\_\_\_\_  
United States District Judge

AGREED AS TO FORM AND SUBSTANCE:

/s/ Galvin B. Kennedy

Galvin B. Kennedy  
State Bar No. 00796870  
gkennedy@kennedyhodes.com  
**KENNEDY HODGES, L.L.P.**  
711 W. Alabama Street  
Houston, TX 77006  
713/523-0001  
713/523-1116 – facsimile

**ATTORNEY FOR PLAINTIFFS**

/s/ Michael J. Muskat

**MICHAEL J. MUSKAT**  
**Attorney-in-Charge**  
**State Bar No. 24002668**  
**S.D. Tex. Bar No. 22816**  
MUSKAT, MARTINEZ & MAHONY, LLP  
1201 Louisiana Street, Suite 850  
Houston, Texas 77002  
Telephone: 713-987-7850  
Telecopier: 713-987-7854

**Attorneys for Defendant**

**CERTIFICATE OF CONFERENCE**

Plaintiffs' counsel and Defendant's counsel conferenced on multiple occasions in September, October, and November 2013, November 12, 2013 and agree as to the form and substance of this Joint Stipulation for Conditional Certification and Class Notice.

/s/ Beatriz Sosa-Morris

Beatriz Sosa-Morris

**CERTIFICATE OF SERVICE**

This is to certify that on November 12, 2013 a copy of the foregoing instrument was served upon all parties via the Court's electronic case filing system.

/s/ Beatriz Sosa-Morris

Beatriz Sosa-Morris

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NOTICE TO CURRENT AND PAST EMPLOYEES OF  
GREAT WHITE PRESSURE CONTROL

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TO: All current and former hourly manual laborers of Great White Pressure Control LLC who were paid job bonuses in any workweek during the time period of December 21, 2009 to January 19, 2013.

RE: Overtime lawsuit

DATE: \_\_\_\_\_, 2013

**What is this notice about?**

This case was filed on December 21, 2012 by Antoine Epps and Eduardo Gonzales (the "Plaintiffs"), former workers of Great White Pressure Control LLC ("Great White"), on their own behalves and on behalf of those similarly situated. The Plaintiffs allege that they and other workers were paid non-discretionary job bonuses that were not factored into the regular rate of pay used to determine overtime payments. As a result, Plaintiffs allege their overtime rate was not calculated correctly, and they have sued to recover their alleged unpaid overtime wages. They also seek to recover their attorney's fees, court cost, and additional damages equal to their unpaid overtime wages because of Great White's alleged failure to pay them as required by the federal law governing overtime payments. Great White, on the other hand, has denied the Plaintiffs' claims.

**What are my options?**

Enclosed is a form titled "Consent to Become a Party Plaintiff" ("Consent Form"). If you worked for Great White and want to attempt to recover unpaid overtime and liquidated damages that may be owed to you, you must fill out and deliver the Consent Form to Plaintiffs' counsel at this address:

Galvin Kennedy  
Attn: Great White Overtime Claim  
Kennedy Hodges, LLP  
711 W. Alabama St.  
Houston, TX 77006  
Tel: 713-523-0001  
Fax: 713-523-1116

You may also email your signed form to [GKennedy@kennedyhodes.com](mailto:GKennedy@kennedyhodes.com)

It is entirely your own decision whether to join this lawsuit or not.

If you complete and file the enclosed Consent form, you will be designating the Plaintiffs and their attorneys to represent your interests and will be agreeing to be bound by the terms of any judgment entered, whether favorable or unfavorable to you. You will also be bound by any settlement reached and any agreement between the Plaintiffs and the attorneys representing them in this case.

If you decide to become a party plaintiff in this case, you may be required to participate in the litigation, which could include providing sworn testimony in a deposition, answering interrogatories under oath, or testifying at trial of the case in Galveston, Texas.

Plaintiffs' attorneys are Kennedy Hodges, L.L.P. If you have questions about the lawsuit or your rights, you may contact them directly at 713-523-0001. To further assist you in deciding whether to become a party plaintiff in this suit, you are entitled to information about how Plaintiffs' counsel will be paid in this matter, and you may obtain this information from Kennedy Hodges, L.L.P. You should not contact the Court to discuss this matter.

**When is the deadline to join?**

Your determination of whether or not to take action should be made promptly. Because the law only allows a person to recover up to three years of back wages from the date the Consent form is filed, time is of the essence in submitting this form if you wish to make a full recovery. The Court has set \_\_\_\_\_ [60 days after mailing] as the deadline by which all Consents must be filed. A Consent Form is enclosed with a self-addressed stamped envelope.

This Notice is for the sole purpose of determining the identity of those persons who wish to be involved in this case. Although the Court has authorized the sending of this notice, there is no assurance at this time that the Court will grant any relief in this case. It is also possible that this case may be de-certified as a collective action at a later date in the litigation.

**No retaliation permitted.**

Federal law prohibits anyone from discriminating or retaliating against you if you choose to take part in this case and Great White has agreed to abide by the law in this regard.

**This is not an attorney advertisement.**

**This notice has been authorized by the Honorable Gregg Costa, the Judge to whom this case has been assigned. The Judge takes no position on the merits of the Plaintiffs' claims or the Defendant's defenses.**

**CONSENT TO JOIN GREAT WHITE  
OVERTIME LAWSUIT**

Civil Action No. 3:12-cv-00374; *Antoine Epps, et al. v. Great White Pressure Control, LLC, et al.*; In the United States District Court for the Southern District of Texas, Galveston Division.

Court-imposed deadline to return this Consent Form is \_\_\_\_\_, 2013 (60 days after mail out).

Print Name: \_\_\_\_\_

1. I consent, agree and opt-in to the lawsuit to pursue my claims of unpaid overtime.
2. I understand that this lawsuit is brought under the Fair Labor Standards Act. I consent to be bound by the Court's judgment, and I understand that I will be bound by any settlement that may be negotiated on behalf of all parties.
3. I designate the law firm and attorneys at Kennedy Hodges, L.L.P. as my attorneys to prosecute my wage claims.
5. I consent to the named Plaintiffs in the lawsuit making all decisions regarding the litigation, the method and manner of conducting this litigation, the terms of any potential settlement of this litigation, releasing of claims, the entering of an agreement with Plaintiffs' Counsel regarding attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature: \_\_\_\_\_ Date Signed: \_\_\_\_\_

**Information below this sentence will NOT be filed with the court.**

Estimated start and end dates of employment (month/year): \_\_\_\_\_ to \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Alternate phone: \_\_\_\_\_

Return your signed form to:  
**Kennedy Hodges, L.L.P.**  
**Attention: Great White Wage Lawsuit**  
**711 W. Alabama Street**  
**Houston, Texas 77006**

Galvin Kennedy, attorney for Plaintiffs  
713-523-0001  
1-877-342-2020 (toll free)  
713-523-1116 (fax)  
gkennedy@kennedyhodges.com